

## REMARKS

In accordance with the foregoing, the specification and claim 34 have been amended, claims 42-48 have been canceled without prejudice or disclaimer, and new claims 52-56 have been added. Claims 1-41 and 49-56 are pending, with claims 1, 7, 10, 23, 34, 39, 49, and 51 being independent. Claims 1-6, 10-22, 34-48, and 49-51 are under consideration as being directed to elected Invention I, with claims 1-6, 10-22, 34-48, and 49-50 being readable on elected Species A and claim 51 being generic to elected Species A and non-elected Species B. New claims 52-56 are directed to elected Invention I and are readable on elected Species A. Claims 7-9, 23-33, and 39-41 are withdrawn from consideration as being directed to elected invention I but being readable on non-elected Species B. Claims 4-6, 12-14, 17-22, 36-38, and 50 of Species A are linking claims that link together the inventions of Species A and B. Claims 26-30 of Species B are linking claims that link together the inventions of Species A and B. Canceled claims 42-48 were withdrawn from consideration as being directed to non-elected Invention II. No new matter is presented in this Amendment.

Paragraph [00108] of the specification has been amended to correct a typographical error.

Claim 34 has been amended to correct a typographical error by changing "a plurality of dummy apertures" to "a plurality of first dummy apertures" to be consistent with the reference to "the first dummy apertures" later in claim 34.

### The Examiner Was Required to Consider Linking Claims 26-30

As pointed out on page 3 of the Response to Restriction and Election Requirement of April 7, 2006, claims 26-30 are linking claims that link together the inventions of elected Species A and non-elected Species B, and pursuant to MPEP 806.04 and 809, the Examiner is required to consider linking claims 26-30 together with generic claim 51 and claims 1-6, 10-22, 34-38, and 49-50 of elected Species A. However, the Examiner nevertheless withdrew linking claims 26-30 from consideration in the Office Action of June 29, 2006, stating as follows in pertinent part:

Claim 51 is generic and should claim 51 be allowed later, the linking claims 26-30, which link together the inventions of Species A and B and generic claim 51.

However, this statement appears to be incomplete and thus cannot be understood, and it is respectfully requested that the Examiner clarify this statement. Furthermore, the Examiner's attention is directed to the following statement in MPEP 809 that appears in the right-hand column on MPEP page 800-52:

The linking claims must be examined with, and thus are considered part of, the invention elected.

For at least the foregoing reasons, it is submitted that the Examiner was required to consider linking claims 26-30 in the Office Action of June 29, 2006, and it is respectfully requested that linking claims 26-30 be considered in the next Office Action. Furthermore, should the Examiner reject any of linking claims 26-30 in the next Office Action, it is submitted that the Examiner cannot make that Office Action final because the Examiner should have considered linking claims 26-30 in the Office Action of June 29, 2006.

#### Drawing Objections

The drawings were objected to as failing to comply with 37 CFR 1.84(p)(5) because reference character 213a in FIG. 9 is not mentioned in the description. Accordingly, paragraph [0090] of the specification has been amended to mention reference character 213a.

For at least the foregoing reasons, it is respectfully requested that the objection to the drawings under 37 CFR 1.84(p)(5) be withdrawn.

#### Claims Rejections Under 35 USC 102

Claims 1-6 and 49-51 were rejected under 35 USC 102(b) as being anticipated by Nakagawara et al. (Nakagawara) (JP 2002-060927). This rejection is respectfully traversed.

It is noted that the Examiner has alleged that numerous features of claims 1-6 and 49-51 are disclosed in Nakagawara without identifying where these features are disclosed in Nakagawara as required by *Ex parte Levy*, 17 USPQ2d 1461 (Bd. Pat. App. & Inter. 1990), at 1462 where the Board states as follows in pertinent part (emphasis added):

The factual determination of anticipation requires the disclosure in a single reference of every element of the claimed combination. (Citations omitted.) Moreover, it is incumbent upon

the Examiner to identify wherein each and every facet of the claimed invention is disclosed in the applied reference. (Citation omitted.)

Accordingly, should the Examiner maintain the rejection of any of claims 1-6 and 49-51 under 35 USC 102(b) as being anticipated by Nakagawara, it is respectfully requested that the Examiner identify wherein each and every facet of such rejected claims is disclosed in Nakagawara.

It is submitted that Nakagawara does not disclose "[a]n evaporation mask formed of a thin film" as recited in independent claims 1 and 49 or "[a] mask unit for an evaporation mask" as recited in independent claim 51 because mask 1 shown in FIG. 1 of Nakagawara is a sputtering mask (see paragraph [0016] of Nakagawara), rather than an evaporation mask as recited in claims 1, 49, and 51, and is formed of a stainless steel plate that is 2 mm thick (see paragraph [0014] of Nakagawara), rather than being formed of a thin film as recited in claims 1 and 49.

It is submitted that "evaporation" as recited in claims 1, 49, and 51 is a completely different physical process than sputtering as disclosed in Nakagawara.

Although the Examiner considers paragraph [0014] of Nakagawara to disclose that mask 1 in FIG. 1 of Nakagawara is formed of a thin film as recited in claims 1 and 49, it is submitted that the phrase "the mask 1 for pattern membrane formation for thin films" in paragraph [0014] of Nakagawara presumably relied on by the Examiner means that mask 1 in FIG. 1 of Nakagawara is used to form an ITO membrane or thin film on the color filter substrate 4 shown in FIG. 2 of Nakagawara as described, for example, in paragraph [0016] of Nakagawara, not that mask 1 is formed of a thin film as apparently misunderstood by the Examiner. Furthermore, it is submitted that one of ordinary skill in the art would not consider the stainless steel plate from which Nakagawara's mask 1 is made that is  $2\text{ mm} = 2000\text{ }\mu\text{m} = 2,000,000\text{ nm}$  thick to be "a thin film" as recited in claims 1 and 49.

Furthermore, it is submitted that Nakagawara does not disclose the feature of claims 1 and 49 "wherein the evaporation mask is drawn taut by application of tension," or "a plurality of first dummy apertures formed adjacent to outermost ones of the main apertures in a direction in which tension is applied to the evaporation mask" as recited in claim 1, or "at least one first dummy aperture formed adjacent to an outermost at least one main aperture in a direction in which tension is applied to the evaporation mask" as recited in claim 49, or the feature of claim

51 "wherein the dummy aperture prevents the main aperture from being deformed by tension applied to the evaporation mask" because nothing whatsoever in Nakagawara discloses that tension is applied to mask 1. Nor did the Examiner point out where the "tension" features of claims 1, 49, and 51 are allegedly disclosed in Nakagawara. Furthermore, with respect to claim 51, dummy openings 3 in FIG. 1 of Nakagawara prevent mask 1 from being deformed by thermal expansion, rather than by tension applied to mask 1. See paragraphs [0003] and [0006] of Nakagawara.

In explaining the rejection of dependent claim 4, the Examiner states that dummy openings 3 in FIG. 1 of Nakagawara correspond to "a plurality of second dummy apertures formed outside and adjacent to the outermost mask units in the direction in which tension is applied to the evaporation mask " as recited in claim 4. However, in explaining the rejection of claim 1 from which claim 4 indirectly depends, the Examiner states that dummy openings 3 in FIG. 1 of Nakagawara correspond to "a plurality of first dummy apertures formed adjacent to outermost ones of the main apertures in a direction in which tension is applied to the evaporation mask" as recited in claim 1. It is submitted that dummy openings 3 in FIG. 1 of Nakagawara cannot correspond to both "a plurality of first dummy apertures" as recited in claim 1 and "a plurality of second dummy apertures" as recited in claim 4 as alleged by the Examiner. Since the Examiner considers dummy openings 3 in FIG. 1 of Nakagawara to correspond to "a plurality of first dummy apertures" as recited in claim 1, it is submitted that there are no other openings in FIG. 1 of Nakagawara that can be considered to correspond to "a plurality of second dummy apertures" as recited in claim 4. Accordingly, it is submitted that Nakagawara does not disclose "a plurality of second dummy apertures formed outside and adjacent to the outermost mask units in the direction in which tension is applied to the evaporation mask" as recited in claim 4.

It is submitted that Nakagawara does not disclose "at least one second dummy aperture formed outside and adjacent to the outermost at least one mask unit in the direction in which tension is applied to the evaporation mask" as recited in dependent claim 50 for at least the same reasons discussed above that Nakagawara does not disclose the similar feature of claim 4.

For at least the foregoing reasons, it is respectfully requested that the rejection of claims 1, 4, and 49-51 and claims 2, 3, 5, and 6 depending from claim 1 (i.e., claims 1-6 and 49-51) under 35 USC 102(b) as being anticipated by Nakagawara be withdrawn.

Claim Rejections Under 35 USC 103

Claims 10-22 and 34-38 were rejected under 35 USC 103(a) as being unpatentable over Yamada et al. (Yamada) (U.S. Patent Application Publication No. 2001/0019807) in view of Kim et al. (Kim) (U.S. Patent Application Publication No. 2003/0111957) in further view of Nakagawara. This rejection is respectfully traversed.

As recognized by the Examiner, Yamada does not disclose that deposition mask 100 in FIGS. 6A-6B of Yamada which is used for deposition by evaporation is "drawn taut by application of tension" as recited in independent claim 10. Furthermore, as recognized by the Examiner, Yamada's deposition mask 100 does not have "at least one mask unit, the mask unit comprising . . . a plurality of first dummy apertures formed adjacent to outermost ones of the main apertures in a direction in which tension is applied to the evaporation mask" as recited in claim 10.

However, the Examiner considers mask 1 in FIG. 1 of Nakagawara to be "drawn taut by application of tension" as recited in claim 10 and to have "at least one mask unit, the mask unit comprising . . . a plurality of first dummy apertures formed adjacent to outermost ones of the main apertures in a direction in which tension is applied to the evaporation mask" as recited in claim 10, and is of the opinion that it would have been obvious "to modify Yamada's invention to include the evaporation mask [of Nakagawara]. . . for maintaining adhesion and absorbing thermal expansion" based on paragraph [0016] of Nakagawara.

However, it is submitted that Nakagawara's mask 1 is not "drawn taut by application of tension" as recited in claim 10 as alleged by the Examiner and does not have "at least one mask unit, the mask unit comprising . . . a plurality of first dummy apertures formed adjacent to outermost ones of the main apertures in a direction in which tension is applied to the evaporation mask" as recited in claim 10 as alleged by the Examiner for at least the same reasons discussed above that Nakagawara does not disclose the similar features of claims 1, 49, and 51.

Furthermore, as discussed above in connection with claims 1, 49, and 51, Nakagawara's mask 1 is a sputtering mask, rather than an evaporation mask as alleged by the Examiner. In contrast, Yamada's deposition mask 100 is an evaporation mask, and it is not seen where Yamada discloses or suggests that Yamada's deposition or evaporation mask 100 suffers from

the adhesion and thermal expansion problems described in paragraphs [0003] and [0006] of Nakagawara that Nakagawara's sputtering mask 1 is designed to solve. Accordingly, absent the applicants' disclosure, it is submitted that nothing whatsoever in Yamada, Kim, and Nakagawara or elsewhere in the prior art would have motivated one of ordinary skill in the art to modify Yamada's invention to include Nakagawara's sputtering mask 1 as proposed by the Examiner.

Accordingly, it is submitted that Yamada, Kim, and Nakagawara do not disclose or suggest "disposing an evaporation mask to form an organic film over the substrate, the evaporation mask drawn taut by application of tension and having at least one mask unit, the mask unit comprising a plurality of main apertures and a plurality of first dummy apertures formed adjacent to outermost ones of the main apertures in a direction in which tension is applied to the evaporation mask" as recited in claim 10.

It is submitted that Yamada, Kim, and Nakagawara do not disclose or suggest "disposing an evaporation mask to form second electrodes over the organic film, the evaporation mask drawn taut by application of tension and comprising a plurality of main apertures and a plurality of first dummy apertures formed adjacent to outermost ones of the main apertures in a direction in which tension is applied to the evaporation mask" as recited in independent claim 34 for at least the same reasons discussed above that Yamada, Kim, and Nakagawara do not disclose or suggest the similar features of claim 10.

It is submitted that Yamada, Kim, and Nakagawara do not disclose or suggest "a plurality of second dummy apertures outside and adjacent to outermost ones of the mask units in the direction in which tension is applied to the evaporation mask" as recited in dependent claims 12 and 36, or "a plurality of second dummy apertures outside and adjacent to the outermost mask units in the direction in which tension is applied to the evaporation mask" as recited in dependent claim 17, or "a plurality of second dummy apertures outside and adjacent to outermost mask units in the direction in which tension is applied to the evaporation mask" as recited in dependent claim 20 for at least the same reasons discussed above that Nakagawara does not disclose the same or similar feature of claim 4.

For at least the foregoing reasons, it is respectfully requested that the rejection of claims 10, 12, 17, 20, 34, and claims 11, 13, 14, 15, 16, 18, 19, 21, 22, 35, 37, and 38 depending therefrom (i.e., claims 10-22 and 34-38) under 35 USC 103(a) as being unpatentable over Yamada in view of Kim in further view of Nakagawara be withdrawn.

New claims 52-56

It is submitted that Yamada, Kim, and Nakagawara do not disclose or suggest the feature "wherein a length of each of the first dummy apertures is equal to a length of each of the main apertures" recited in new dependent claims 52-54, or the feature "wherein a length of each of the at least one first dummy aperture is equal to a length of each of the at least one main aperture" recited in new dependent claim 55, or the feature "wherein a length of the dummy aperture is equal to a length of the main aperture" recited in new dependent claim 56 because, as shown in FIG. 1 of Nakagawara, the length of dummy openings 3 is greater than the length of openings 2.

For at least the foregoing reasons, it is submitted that new claims 52-56 are patentable over Yamada, Kim, and Nakagawara, and an indication to that effect is respectfully requested.

Rejoinder of the Invention of Non-Elected Species B

Since claim 51 which is generic to elected Species A and non-elected Species B is allowable for the reasons discussed above, and since claims 4-6, 12-14, 17-22, 36-38, and 50 of Species A which are linking claims that link together the inventions of Species A and B are allowable for the reasons discussed above, it is submitted that the applicants are entitled to rejoinder of the invention of non-elected Species B pursuant to 37 CFR 1.141(a) and MPEP 821.04(a). Accordingly, it is respectfully requested that the requirement for an election of species be withdrawn, and that claims 7-9, 23-33, and 39-41 which are currently withdrawn from consideration as being readable on non-elected Species B be examined on the merits.

Conclusion

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.


Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with the filing of this paper, please charge the same to our Deposit Account No. 503333.

Respectfully submitted,

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